

**PROGRAM NARRATIVE****188 Commission on Legal Counsel for Indigents****Date:** 01/13/2011**Time:** 11:16:18**Program:** Counsel for Indigents Operations**Reporting level:** 00-188-100-00-00-00-00000000**Program Performance Measures**

The Commission oversees the administrative office and evaluates the Executive Director, who, in turn, evaluates staff of the administrative office and staff of the public defender offices (after the Supervising Attorney performs his/her evaluation). Attorneys for the agency must meet standards provided in the Rules of Professional Conduct and State Bar Association of North Dakota.

Attorneys contracted with our agency must meet the Minimum Performance Standards as adopted by our agency, as well as standards provided in the Rules of Professional Conduct and State Bar Association of North Dakota. Attorneys contracted with our agency must provide to us updated proof of malpractice insurance as well as any disciplinary complaints. the also must stay current in their case reporting duties.

**Program Statistical Data**

The contract attorneys in North Dakota are assigned roughly 56% of our total cases in a years time. The full time public defenders handle the remaining 44% of the cases. We assign approximately 10,000 cases a year throughout the state of North Dakota, with the majority of those cases being criminal cases, next followed by juvenile court assignments.

**Explanation of Program Costs**

The majority of costs for our program include fees for non-contract attorneys (who handle conflict cases), monthly fees paid to contract attorneys, and salaries and benefits for the agency's 30 full-time employees and 7 part-time employees. Other significant costs would include the administrative costs of running the offices, IT costs, travel for employees, and support services (medical experts, private investigators, and mental evaluations) for cases attorneys to which attorneys are assigned.

**Program Goals and Objectives**

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The goal of our program is to provide adequate licensed counsel for indigent persons who qualify for counsel in accordance with adopted indigency guidelines. (We utilize the Federal Poverty Guidelines in our indigency determinations). If a person earns more than 125% of the Federal Poverty Guidelines, then he or she will most likely not qualify for appointed counsel. (There are some qualifying factors to consider). Our goal is to have our attorneys meet performance guidelines and rules of professional responsibility in their legal representation of their client to insure that the client is adequately represented in the court system.

**REQUEST DETAIL BY PROGRAM**

188 Commission on Legal Counsel for Indigents

Bill#: HB1023

Date: 01/13/2011

Time: 11:16:18

Biennium: 2011-2013

Program: Counsel for Indigents Operations		Reporting Level: 00-188-100-00-00-00-00000000			
Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Request 2011-2013
<b>Legal Counsel for Indigents</b>					
Salaries - Permanent	2,272,386	3,310,796	24,368	3,335,164	292,128
Temporary Salaries	48,080	128,960	57,760	186,720	23,040
Fringe Benefits	730,919	1,168,854	21,400	1,190,254	112,574
Travel	157,539	218,440	0	218,440	10,000
Supplies - IT Software	21,249	12,000	0	12,000	2,000
Supply/Material-Professional	61,985	82,300	0	82,300	525
Food and Clothing	40	0	0	0	0
Miscellaneous Supplies	15,218	21,100	0	21,100	400
Office Supplies	36,692	34,500	0	34,500	3,200
Postage	26,332	44,000	0	44,000	4,800
Printing	9,284	16,700	0	16,700	2,300
IT Equip Under \$5,000	21,902	27,600	0	27,600	7,500
Other Equip Under \$5,000	3,293	6,000	0	6,000	0
Office Equip & Furn Supplies	87,946	17,500	0	17,500	15,000
Insurance	248	1,150	0	1,150	150
Rentals/Leases-Equip & Other	221	2,500	0	2,500	177
Rentals/Leases - Bldg/Land	209,017	348,407	0	348,407	50,000
Repairs	18,408	11,100	0	11,100	900
IT - Data Processing	90,465	85,444	0	85,444	10,000
IT - Communications	57,143	78,136	0	78,136	11,000
IT Contractual Svcs and Rprs	13,935	6,804	0	6,804	500
Professional Development	33,766	80,700	0	80,700	2,600
Operating Fees and Services	139,852	150,650	0	150,650	6,500
Fees - Professional Services	5,381,374	5,552,304	0	5,552,304	97,574
IT Equip/Sftware Over \$5000	0	14,420	0	14,420	0
<b>Total</b>	<b>9,437,294</b>	<b>11,420,365</b>	<b>103,528</b>	<b>11,523,893</b>	<b>652,868</b>
<b>Legal Counsel for Indigents</b>					
General Fund	7,811,200	9,470,148	90,810	9,560,958	652,868
Federal Funds	0	0	0	0	0
Special Funds	1,626,094	1,950,217	12,718	1,962,935	0
<b>Total</b>	<b>9,437,294</b>	<b>11,420,365</b>	<b>103,528</b>	<b>11,523,893</b>	<b>652,868</b>
<b>Total Expenditures</b>	<b>9,437,294</b>	<b>11,420,365</b>	<b>103,528</b>	<b>11,523,893</b>	<b>652,868</b>

**Funding Sources****General Fund**

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Request 2011-2013
<b>Total</b>	<b>7,811,200</b>	<b>9,470,148</b>	<b>90,810</b>	<b>9,560,958</b>	<b>652,868</b>
<b>Special Funds</b>					
282 Indigent Defense Admin. Fund	1,626,094	1,950,217	12,718	1,962,935	0
<b>Total</b>	<b>1,626,094</b>	<b>1,950,217</b>	<b>12,718</b>	<b>1,962,935</b>	<b>0</b>
<b>Total Funding Sources</b>	<b>9,437,294</b>	<b>11,420,365</b>	<b>103,528</b>	<b>11,523,893</b>	<b>652,868</b>
<b>FTE Employees</b>	<b>29.00</b>	<b>30.00</b>	<b>0.00</b>	<b>30.00</b>	<b>3.00</b>

**CHANGE PACKAGE DETAIL**

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Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
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**Base Budget Changes****Ongoing Budget Changes**

A-A 5 It equipment over 5,000		0.00	14,420	0	0	14,420
A-F 4 Remove Capital		0.00	(14,420)	0	0	(14,420)
Base Payroll Change		0.00	90,810	0	12,718	103,528
<b>Total Ongoing Budget Changes</b>		<b>0.00</b>	<b>90,810</b>	<b>0</b>	<b>12,718</b>	<b>103,528</b>
<b>Total Base Budget Changes</b>		<b>0.00</b>	<b>90,810</b>	<b>0</b>	<b>12,718</b>	<b>103,528</b>

**Optional Budget Changes****Ongoing Optional Changes**

A-C 1 Funding to Raise Attorney Rates	2	0.00	384,403	0	0	384,403
A-C 3 Devils Lake Office	3	3.00	555,294	0	0	555,294
<b>Total Ongoing Optional Changes</b>		<b>3.00</b>	<b>939,697</b>	<b>0</b>	<b>0</b>	<b>939,697</b>
<b>Total Optional Budget Changes</b>		<b>3.00</b>	<b>939,697</b>	<b>0</b>	<b>0</b>	<b>939,697</b>

**Optional Savings Changes**

A-G 2 Optional Savings Package	1	0.00	(286,829)	0	0	(286,829)
<b>Total Optional Savings Changes</b>		<b>0.00</b>	<b>(286,829)</b>	<b>0</b>	<b>0</b>	<b>(286,829)</b>